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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-fourth session

SUMMARY RECORD OF THE 585th MEETING

Held at the Vienna International Centre, Vienna,
on Monday, 3 April 1995, at 10 a.m.

Chairman: Mr. MIKULKA (Czech Republic)

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The meeting was called to order at 10.30 a.m.

CONSIDERATION OF THE LEGAL ASPECTS RELATED TO THE APPLICATION OF THE PRINCIPLE THAT THE EXPLORATION AND UTILIZATION OF OUTER SPACE SHOULD BE CARRIED OUT FOR THE BENEFIT AND IN THE INTERESTS OF ALL STATES, TAKING INTO PARTICULAR ACCOUNT THE NEEDS OF DEVELOPING COUNTRIES (*continued*) (A/AC.105/573; A/AC.105/C.2/L.182/Rev.2 and A/AC.105/C.2/L.197; A/49/20)

1. **Mr. KOPAL** (International Law Association) said his organization was one of the oldest of those dealing with international law, having been founded in 1873 to focus on its codification. It operated mainly through committees, one of which was on space law. The Association met every two years at conferences in which the work of its committees was discussed and the results adopted in the form of resolutions. At its conference in 1994, it had adopted a draft international instrument on the protection of the environment from damage caused by space debris. The text of that instrument had been submitted to the Committee on the Peaceful Uses of Outer Space. It represented an attempt to deal with all the legal aspects of space debris.

2. The text defined space debris as man-made objects in outer space other than active or otherwise useful satellites. The instrument was described as being applicable to space debris that caused or was likely to cause direct or indirect, instant or delayed, damage to the environment or to persons or objects. The obligations to cooperate in dealing with space debris and to negotiate on it in good faith were enumerated. Principles of responsibility and liability were laid down and a formula concerning dispute settlement was included. That formula provided that disputes concerning the interpretation or application of the instrument were subject to consultation with a view to a prompt settlement. If the parties to the dispute had not agreed on a means of peaceful settlement within 12 months of the request for consultation, the dispute would be referred to arbitration or adjudication. A draft convention on the settlement of space law disputes already elaborated by the International Law Association would now have to be brought into line with the new draft instrument on protection of the environment from damage caused by space debris.

3. **Mr. HE Qizhi** (China) welcomed the two documents submitted under the item, documents A/AC.105/C.2/L.182/Rev.2 and A/AC/105/C.2/L.197. Those documents represented a significant step forward in the Subcommittee's work, even though they reflected two very different schools of thought. Document A/AC.105/C.2/L.182/Rev.2 incorporated significant changes to take into account the concerns of those who had opposed the earlier version in 1994. His delegation greatly appreciated the constructive contributions made by all the authors of the working papers and was sure that, through patient consultations, gradual progress forward would be made and the final goal ultimately achieved.

4. **Mr. MAZILU** (Romania) said that both working papers before the Subcommittee, A/AC.105/C.2/L.182/Rev.2 and A/AC.105/C.2/L.197, represented a real contribution towards improving the exploration and utilization of outer space in the interests of all States. His delegation fully supported the idea that international cooperation in the exploration and use of outer space for peaceful purposes should be conducted in accordance with international rules and regulations. The needs of both advanced and developing countries had also to be taken into consideration. Romania further agreed that the Committee on the Peaceful Uses of Outer Space should be strengthened in its role as a forum for the exchange of information and for the launching of cooperative projects.

5. Romania shared the view that States should be free to determine all aspects of their cooperation and to choose the most appropriate mode of cooperation with a view to allocating resources efficiently. However,

in order to encourage and enhance international cooperation, clear principles had to be elaborated, principles that must promote and safeguard the interests of all parties concerned. Major financial resources would also be needed for efficient international cooperation in promoting the development of space science, technologies and applications.

6. The two working papers could perhaps be combined, so that a comprehensive legal instrument could be drawn up. His delegation was prepared to contribute actively to the development of all the necessary rules and regulations on the exploration and utilization of outer space. Consideration could also be given to the idea of appealing to institutions not directly involved in the work of the Committee on the Peaceful Uses of Outer Space to exploit the enormous potential of space applications for development goals.

7. **Ms. GONÇALVES** (Portugal) said her delegation favoured the elaboration of a set of principles similar to those worked out in other areas, such as the law of the sea. In the case of outer space that was especially justified, for it had been recognized that outer space should be used for the benefit of all mankind. The need to give meaning to that concept explained the importance of developing a framework for international cooperation with due emphasis on international information exchange, the promotion of national capability, funding and other matters.

8. She would welcome guidance as to whether the two working papers before the Subcommittee should be discussed separately, or whether an attempt should be made to combine them into a third working paper. The two documents diverged greatly in many respects. The working paper submitted by Germany and France (A/AC.105/C.2/L.197) focused on international cooperation, stressed freedom of choice and envisaged the participation of partners other than States. The document submitted by Brazil and other delegations (A/AC.105/C.2/L.182/Rev.2), on the other hand, was a set of principles, focusing on the responsibilities of States with space capability, emphasizing the duty to cooperate and envisaging the involvement in cooperation of States alone. Her delegation was ready to consider both texts with a view to eliminating controversial aspects and emphasizing elements of agreement.

9. **Ms. RIOS** (Indonesia) said that the end of the cold war had changed the international situation, encouraging States to convert the utilization of space technology from military purposes to essential civilian services. Environmental issues, including those raised by space activities, had become a global concern and required international solutions. Her delegation attached the utmost importance to preservation of the outer space environment especially with regard to potential effects on the Earth's environment, and to the utilization of outer space in a peaceful and sustainable way.

10. Indonesia was concerned over existing imbalances in outer space benefits. A large number of developing countries remained without access to the space technology needed for national development. Ways and means should be considered for enhancing international cooperation in the utilization of outer space. Such cooperation, based on the principles of equity and sovereignty, could enable the benefits of space exploration and exploitation to be shared by both developed and developing countries.

11. Indonesia supported the idea of enhancing the role of the United Nations in space cooperation, taking into account the sovereignty of Member States, including their freedom to choose the most appropriate form of cooperation. It accordingly supported the working paper put forward by Brazil with a number of other countries (A/AC.105/C.2/L.182/Rev.2) and took note of the draft declaration submitted by Germany and France (A/AC.105/C.2/L.197). The two proposals could be used as a basis for further deliberation aimed at accommodating the interests of all parties.

QUESTION OF EARLY REVIEW AND POSSIBLE REVISION OF THE PRINCIPLES RELEVANT TO THE USE OF NUCLEAR POWER SOURCES IN OUTER SPACE (*continued*)

12. **The CHAIRMAN** said that, since no delegation had expressed the wish to speak under the agenda item in the plenary, he would, if he heard no objection, take it that the Subcommittee did not wish to open discussion of the item in the plenary during the current session.

13. *It was so decided.*

The meeting rose at 11.05 a.m.